

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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FILED

JUN 13 2005

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42779

**PETITION OF THE CITY OF SOUTH BEND,)
INDIANA FOR AUTHORITY TO ISSUE)
BONDS, NOTES, OR OTHER OBLIGATIONS,)
FOR AUTHORITY TO INCREASE ITS RATES)
AND CHARGES FOR WATER SERVICE, AND)
FOR APPROVAL OF A NEW SCHEDULE OF)
RATES AND CHARGES APPLICABLE)
THERE TO)**

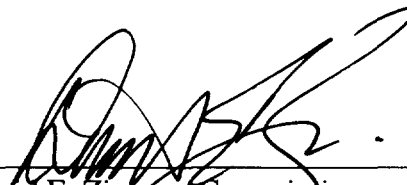
You are hereby notified that on this date the Presiding Officers in this Cause make the following Entry:

On May 16, 2005, the City of South Bend, Indiana ("Petitioner") filed its *Verified Motion for Establishment of Procedures to Protect Against Disclosure of Confidential Information* and a proposed Entry ("Motion"). The Motion requests that any specific evidence regarding Petitioner's proposed security improvements be elicited in the form of live testimony during an *in camera* portion of the evidentiary hearing. Among other reasons, the Motion asserts that specific information regarding Petitioner's proposed security improvements is exempt from public disclosure pursuant to I.C. 5-14-3-4(b)(10), since such information constitutes administrative or technical information that would jeopardize a security system. Petitioner's suggested confidentiality procedures would not require Petitioner to prefile any specific information regarding its proposed security improvements.

Commission rule 170 IAC 1-1.1-4, in concert with I.C. 5-14-3, provides procedures that allow the Commission to make confidentiality determinations. These procedures are well-suited for use in formal Commission proceedings. In anticipation of an evidentiary hearing, testimony and exhibits supporting the parties' positions are prefiled with the Commission. If a party claims that certain testimony or exhibits to be prefiled with the Commission should be exempt from public disclosure, then that party should apply, pursuant to 170 IAC 1-1.1-4, for a Commission determination of confidentiality. Upon receipt of an application and a sworn statement, and possibly following an *in camera* inspection, the Presiding Officers will make a determination with respect to the confidentiality claim. Upon a finding that certain testimony or exhibits should be treated as confidential, such materials can then be prefiled with the Commission under protection of nondisclosure pursuant to I.C. 5-14-3. At the evidentiary hearing, if the prefiled confidential information is admitted into the record, it will be admitted as confidential and any cross-examination/redirect of witnesses regarding the confidential information will be conducted *in camera*.

The Presiding Officers find that Petitioner should adhere to these established Commission procedures with respect to the information for which it seeks confidential treatment. Accordingly, the Motion is denied.

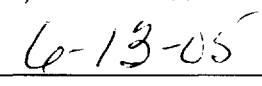
IT IS SO ORDERED.



David E. Ziegner, Commissioner



William G. Divine, Administrative Law Judge



Date